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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re application of: Mieher et al.

Attorney Docket No.: KLA1P117X1A/  
1151 CIP1

Application No.: 10/785,396

Examiner: STOCK JR., GORDON J.

Filed: February 23, 2004

Group: 2877

Title: APPARATUS AND METHODS FOR  
DETECTING OVERLAY ERRORS USING  
SCATTEROMETRY

Confirmation No. 6516

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Typed: Mary R. Olynick

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DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
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Sir:

The owner(s), KLA-Tencor Technologies Corporation of the entire interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156, and § 173 of any patent granted on Second Application No. 10/785,723, filed on February 23, 2004, as shortened by any terminal disclaimer filed prior to its grant. The owner(s) hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on the Second Application are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner(s) does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and § 173 of any patent granted on the Second Application, as shortened by any terminal disclaimer filed prior to its grant, in the event

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The undersigned is an agent or attorney of record.

If the required fees are not enclosed or additional fees are required to facilitate filing of this paper, please charge such fees or credit any overpayment to Deposit Account No. 500388 (Order No. KLA1P117X1A).

Respectfully submitted,  
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